IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2455 OF 2007
WITH
CRIMINAL BAIL APPLICATION NO. 2456 OF 2007
WITH
CRIMINAL BAIL APPLICATION NO. 2457 OF 2007
WITH
CRIMINAL BAIL APPLICATION NO. 2458 OF 2007
WITH
CRIMINAL BAIL APPLICATION NO. 2459 OF 2007
WITH
CRIMINAL BAIL APPLICATION NO. 2460 OF 2007
WITH
CRIMINAL BAIL APPLICATION NO. 2461 OF 2007
WITH
CRIMINAL BAIL APPLICATION NO. 2462 OF 2007
WITH
CRIMINAL BAIL APPLICATION NO. 2463 OF 2007
WITH
CRIMINAL BAIL APPLICATION NO. 2464 OF 2007
WITH
CRIMINAL BAIL APPLICATION NO. 2465 OF 2007
WITH
CRIMINAL BAIL APPLICATION NO. 2466 OF 2007
WITH
CRIMINAL BAIL APPLICATION NO. 2467 OF 2007
WITH
CRIMINAL BAIL APPLICATION NO. 2468 OF 2007
WITH
CRIMINAL BAIL APPLICATION NO. 2469 OF 2007

Mr. Santosh Babu Pawaskar .. Applicant
v/s.
State of Maharashtra
(Through the State CID, Konkan Bhavan,
Navi Mumbai, Vashi) .. Respondent

Mr.Manoj J. Bhatt for the applicant.

Mr. S.S. Pednekar , APP for the State.

CORAM : V.C. DAGA, J.
DATED : 14TH AUGUST, 2007

P.C.

Heard Mr. Manoj J. Bhatt, the learned advocate for the applicant and Mr. S.S. Pednekar, the learned APP for the State.

2. Perused the application and the contents therein together with the orders passed by this court from time to time annexed to the application. The applicant in all these cases is seeking bail under section 438 of the Code of Criminal Procedure (the Code). He has approached this court directly, without approaching Sessions Court for bail, contending that offences are registered against applicant in various districts and it will be very difficult for him to approach each Sessions Judge in each District. He has pointed previous orders of this court in respect of other co-accused persons; whose bail applications were directly entertained by this court.

3. It appears that the applicant is arrayed in several C.Rs. because of his association as a Managing Director of the company called M/s. Kalpavruksha Marketing Pvt.Ltd.. This peculiar fact warrants exercise of power of this court under section 438 of Cr.P.C.

4. It is true that the subject finance company has been floating various schemes in which innocent persons throughout the State have invested their hard earned monies and they have lost the same because company has folded its operations. Learned counsel for the applicant submits that the investigation has, now, been handed over to State CID as such it is not necessary to report to each investigation officer of the district. He is ready to co-operate with the

investigating agency. He placed reliance on the Division Bench order of this court of Dr. Umesh v. State (in W.P. No.2578 of 2005) (unreported) to seek bail.

5. The learned APP submits that the applicant be directed to report to the State CID, Konkan Bhawan, Navi Mumbai, Vashi with direction to attend the Deputy S.P., C.I.D. of the respective districts as and when summoned for investigation.

6. Considering the rival submissions, I am inclined to grant anticipatory bail in all subject applications pertaining to M/s. Kalparuksha Marketing Ltd., on the following terms and conditions:

i) The applicant to furnish bond in the sum of Rs.10,000/- in each C.R. relating to the above company with one solvent surety.

ii) The applicant shall report to the State CID, Konkan Bhawan, Navi Mumbai, Vashi on every Friday within 03.00 p.m. to 05.00 p.m. viz. once in a week.

iii) The applicant is further directed to attend Dy. S.P., CID of each district (wherever the CRs are registered against the applicant) as and when summoned by him.

iv) The applicant shall not directly or indirectly make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the investigating officer.

vi) The applicant shall co-operate with the investigating agency for disposal of the case. It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

vii) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

All the applications stand disposed of accordingly.

(V.C. DAGA, J.)